

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------|---|-----------------------|
| ALFRED MAYFIELD, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. CIV-07-600-M |
| |) | |
| KAY COUNTY, |) | |
| |) | |
| Respondent. |) | |

ORDER

On July 18, 2007, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss be granted, petitioner's motion for a stay be denied, and the habeas petition be dismissed without prejudice. Petitioner was advised of his right to object to the Report and Recommendation by August 7, 2007. On August 6, 2007, petitioner filed his objection.

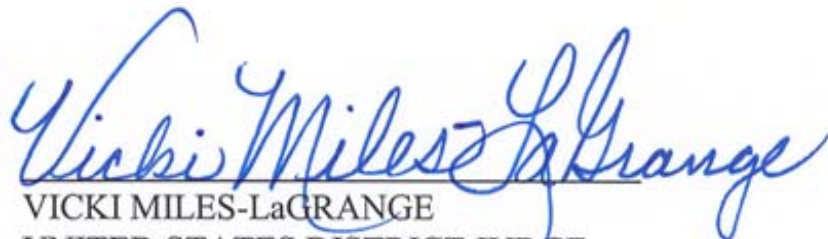
In his objection, petitioner asserts that he has sufficiently alleged bad faith, harassment, the unconstitutionality of the statutes which govern his relevant state court prosecutions, and other circumstances involving irreparable injury to fall within the exception to the abstention doctrine. Having carefully reviewed petitioner's objection and the court file, the Court finds that petitioner has not sufficiently alleged facts constituting bad faith, harassment, unconstitutionality, or other circumstances involving irreparable injury and, thus, finds that no exception to the abstention doctrine is present in the instant case.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on July 18, 2007;

- (2) DENIES petitioner's Motion for Stay of State Court Proceedings [docket no. 10];
- (3) GRANTS respondent's motion to dismiss [docket no. 16]; and
- (4) DISMISSES the petition for a writ of habeas corpus without prejudice.

IT IS SO ORDERED this 8th day of August, 2007.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE